

15-007 Physical Plant Construction and Maintenance Standards for Free Standing Respite Care Service: Free standing respite care services must be designed, constructed and maintained in a manner that is safe, clean, and functional for the type of care to be provided. If the respite care service is provided in either the home of the client, caregiver or designee, this section does not apply.

15-007.01 Environmental Services: A respite care service must maintain a safe, clean, comfortable environment. Every detached building on the same premises used for care must comply with these regulations.

15-007.01A Housekeeping and Grounds Maintenance: The respite care service must provide the necessary housekeeping and maintenance to protect the health and safety of the clients, as follows:

1. The buildings and grounds must be kept clean, safe, hazard free and in good repair.
2. All garbage and rubbish must be disposed of in such a manner as to prevent the attraction of rodents, flies and all other insects and vermin. Garbage must be disposed in such a manner as to minimize the transmission of infectious diseases and minimize odor.
3. The respite care service must maintain adequate lighting, environmental temperatures and sound levels in all areas that are conducive to the care provided.
4. The respite care service must maintain and equip the premises to prevent the entrance, harborage, or breeding of rodents, flies and all other insects and vermin.

15-007.01B Equipment, Fixtures, Furnishings and Linens: The respite care service must provide and maintain all equipment, fixtures, and furnishings clean, safe and in good repair, as follows:

1. The respite care service must establish and implement policies for routine and preventative maintenance of equipment and furnishings to ensure that such equipment and furnishings are safe and function to meet the intended use.
2. When bed and bath linens are provided by the respite care service, the respite care service must maintain an adequate supply of clean linens in good repair.
3. The respite care service must establish and implement procedures for the storage and handling of soiled and clean linens.

15-007.02 Food Service When the respite care service provides food service, the respite care must ensure the following:

15-007.02A Dietary: If food preparation is provided on site, the respite care service must dedicate space and equipment for the preparation and serving of meals. Such food preparation, serving, physical environment and equipment must comply with the Nebraska Food Code, 1999 Edition, Chapters 1-7 as published by the Nebraska Department of Agriculture, Bureau of Dairies and Foods.

15-007.02B Menus: Meals and snacks must be appropriate to the client's needs and preferences and must meet daily nutritional requirements.

15-007.02B1 Menus must be planned and written based on the Food Guide Pyramid or equivalent and modified to accommodate special diets and texture adaptations as needed by the client. Menus are made accessible to clients, caregivers and designees.

15-007.02B2 Food Storage: The respite care service must store, handle and dispose of food in a safe and sanitary manner and in accordance with the Nebraska Food Code, 1999 Edition, Chapters 1-7 as published by the Nebraska Department of Agriculture, Bureau of Dairies and Foods.

15-007.02C Pets: The respite care service must assure any respite care service owned pet does not negatively affect persons. The respite care service must have policies and procedures regarding pets that include:

1. An annual examination by a licensed veterinarian;
2. Vaccinations as recommended by the licensed veterinarian that includes at a minimum, current vaccination for rabies for dogs, cats and ferrets;
3. Provision of pet care necessary to prevent the acquisition and spread of fleas, ticks and other parasites; and
4. Responsibility for care or supervision of the pet by respite care service staff.

15-007.02D Environmental Safety: The respite care service must be responsible for maintaining the respite care service in a manner that minimizes accidents as follows:

1. The respite care service must maintain the environment to protect the health and safety of persons by keeping surfaces smooth and free of sharp edges, mold or dirt, keeping floors free of objects and slippery or uneven surfaces and keeping the environment free of other conditions which may pose a potential risk.
2. The respite care service must maintain all doors, stairways, passageways, aisles or other means of exit in a manner that provides safe and adequate access for care.
3. The respite care service must provide and maintain water for bathing and handwashing at a safe and comfortable temperature to protect persons from potential burns or scalds. Water temperature is not to exceed 125 degrees Fahrenheit.
4. The respite care service must ensure hazardous/poisonous materials or potentially hazardous materials utilized by the respite care service are properly handled and stored to prevent accidental ingestion, inhalation, or consumption of the hazardous/poisonous materials by persons.
5. The respite care service must ensure access to a non-coin operated telephone that is maintained in working order. Emergency numbers must be accessible near the telephone.
6. The respite care service must develop and implement a written procedure to ensure prompt, routine and preventive cleaning and maintenance of the premises.
7. The respite care service must be keep facilities clean, and maintained in good repair and free of rodents and other pests.

15-007.02E Disaster Preparedness and Management: The respite care service must establish and implement disaster preparedness procedures to ensure that client care, safety and well-being are maintained during times of environmental or natural disasters such as fire, inclement weather, natural disasters, electrical or other power outages. The procedures must include:

1. Plans for moving clients to points of safety or provide other means of protection; and
2. Plans for providing continuing care.

15-007.02F Designed and Equipped: The respite care service site must be designed to meet the needs of clients served. The respite care service must consider factors such as appropriate and sufficient space, equipment, furnishings, lighting, noise control, room temperatures and ventilation.

15-007.02G Accessible and Usable: The respite care service must be accessible and appropriate to meet the needs of the client.

15-007.02H Building Codes and Zoning: The respite care service site must

maintain documentation of compliance "Nebraska State Fire Code Regulations" found at Title 153 NAC 1, and with applicable local zoning requirements. All new construction of a free standing respite care service site must comply with, but not limited to the following applicable codes:

1. State Building Code, Neb. Rev. Stat. § 71-6403;
2. Plumbing Code, Neb. Rev. Stat. § 18-1915;
3. State Electrical Act;
4. Elevator Safety Act;
5. Boiler Inspection Act; and
6. Nebraska Accessibility Requirements of Title 156 NAC Chapters 1-12.

15-007.02I Laundry: If the respite care service provides laundry services, the service may be provided by contract or on-site.

15-007.02I1 Contract: If contractual laundry services are used, the respite care service must provide and utilize areas for soiled linen awaiting pickup and separate areas for storage and distribution of clean linen.

15-007.02I2 On-site: If on-site laundry services are provided, the respite care service must have areas dedicated to laundry that includes a washer and dryer. In new construction, the respite care service must provide a conveniently located sink for soaking and handwashing of laundry.

15-007.03 Client Living Areas: The respite care service must ensure that living areas are furnished with beds, chairs, sofas, tables, and storage items that are comfortable and reflective of individual needs. The provider must not use a garage, barn, shed or similar structure as a client living area.

15-007.03A Dining Areas: The respite care service must ensure adequate space for dining, socialization and leisure activities.

15-007.03B Bedrooms: If care is provided to individuals that exceed 24 hours, the respite care service must provide client bedrooms which allow for sleeping, afford privacy, provide access to belongings, provide adequate storage and accommodate the care provided to the client.

15-007.03C Toilet Rooms: The respite care service must provide toilet rooms with handwashing sinks that are adequate to meet the needs of the clients served.

15-007.03D Bathing Rooms: A respite care service must provide a bathing room if care is provided to an individual exceeding 24 hours that are adequate to meet the needs of the client. When provided, the bathing room must consist of a tub and/or shower. Tubs and showers used by persons must be equipped with handgrips or other assistive devices as needed by the client.

15-007.03E Additional Services: If the respite care service provides additional

medical or therapy services, there must be adequate space provided to assure privacy and appropriate care.

15-007.03F Outdoor Areas: Any outdoor area for client usage provided by the respite care service must be equipped and situated to allow for client safety and abilities.

15-007.04 Building Systems: The respite care service must ensure that building systems are designed, installed and operate in such a manner as to provide for the safety, comfort, and well being of each individual.

15-007.04A Water System: The respite care service must have and maintain an accessible, adequate, safe and potable supply of water. Where an authorized public water supply of satisfactory quantity, quality, and pressure is available, the respite care service shall be connected to it and its supply used exclusively.

15-007.04B Sewage System: The respite care service must maintain a sanitary and functioning sewage system.

15-007.04C Heating and Cooling System: The respite care service must maintain a functioning heating and cooling system with clean filters which is capable of maintaining indoor room temperature within a normal comfort range of 75 to 85 degrees Fahrenheit.

15-007.04D Ventilation System: The respite care service must ensure exhaust and clean air to prevent the concentrations of contaminants, which impair health or cause discomfort to individuals and employees.

15-007.04E Electrical System: The respite care service shall have an electrical system that has sufficient capacity to maintain the services that are provided and that properly protects individuals from electrical hazardous. The respite care service shall have ground fault circuit interrupters protected outlets in wet areas within 6 feet of sinks.

15-007.04F Lighting System: The respite care service must ensure adequate lighting for individuals comfort and needs and to assure safety and reduce risk of accidents in all used rooms, hallways, interior stairways, outside steps, interior and outside doorways, porches, ramps and fire escapes.

15-007.05 Waivers: The Department may waive any provision of 175 NAC 15-007 relating to construction or physical plant requirements of a respite care service upon proof by the licensee satisfactory to the department (a) that the waiver would not unduly jeopardize the health, safety, or welfare of the persons residing in the respite care service, (b) that the provision would create an unreasonable hardship for the respite care service, and (c) that the waiver would not cause the State of Nebraska to fail to comply with any applicable requirements of Medicare or Medicaid so as to make the state ineligible for the receipt of all funds to which it might otherwise be entitled.

15-007.05A Unreasonable Hardship: In evaluating the issue of unreasonable hardship, the Department must consider the following:

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1. The estimated cost of the modification or installation;
2. The extent and duration of the disruption of the normal use of areas used by persons residing in the respite care service resulting from construction work;
3. The estimated period over which the cost would be recovered through reduced insurance premiums and increased reimbursement related to costs;
4. The availability of financing; and
5. The remaining useful life of the building.

15-007.05B Waiver Terms and Conditions. Any waiver may be granted under the terms and conditions and for such period of time as are applicable and appropriate to the waiver. Terms and conditions and period of waiver include but are not limited to:

1. Waivers that are granted to meet the special needs of a resident remain in effect as long as required by the resident;
2. Waivers may be granted for a period of time that ends at the time the conditions of approval no longer exist;
3. Waivers may be granted to permit a respite care service time to come into compliance with the physical plan standards for a period of one year. Upon submission of proof of ongoing progress, the waiver may be continued for an additional year; and
4. An applicant or licensee must submit a request for waiver of any construction or physical plant requirements set forth in 175 NAC 15. An applicant for a waiver may construct a request for waiver form or obtain a form from the Department.

15-007.05C Denial of Waiver: If the Department denies a respite care service's request for waiver, the respite care service may request an administrative hearing as provided in the Administrative Procedure Act (APA) and the Department's rules and regulations adopted and promulgated under the APA.